IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 22nd day of August, 2005
Criminal Misc. Bail Application No.741/2005
Order on the bail application of accused

CRIMINAL SIDE

Rajesh
S/o Chhotan
R/o Village – Kalasiya
Police Station – Khanpur
District – Haridwar ……Applicant

Versus

State of Uttaranchal ……. Opposite Party

Arising out of case crime No.32 of 2005
U/s 328/302 I.P.C.
Police Station – Khanpur
District - Haridwar

Hon'ble J. C. S. Rawat, J.

Heard Sri S.P.S. Panwar-Sr. Advocate assisted by Sri H.C. Pathak, learned counsel for the applicant, learned A.G.A. and perused the record.

It is alleged that the applicant and his wife Babli had mixed something in the bottle of their daughter, Praveeta aged about 6 months.

It is also contended that the applicant and his wife are the uncle and aunt of the infant who died. It is also contended that if the mother of the infant have seen mixing up the poison in the bottle, the mother would not have given the milk to her child.

It was further contended that there is no enmity between the complainant and the accused. It was contended that there is no whisper in the evidence that both parties had the strain relationship. It was further contended that considering the relationship between the applicant's family and the complainant family, it cannot be said that they will administer the poison to the infant. It was further contended that the remaining part of the milk was not taken in possession by the police for chemical examination.

Perusal of the case diary and considering the facts and totality of the circumstances of for the case reveals that it is a fit case for bail.

Let the applicant-accused namely, Rajesh be released on bail on executing a personal bond each and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Dated 22.08.2005 **(J.C.S. Rawat, J.)**

Shiv